

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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_____	X	
UNITED STATES OF AMERICA,	"	
	"	
PLAINTIFF,	"	Case No: 98-CR-00120-01
	"	
vs.	"	
	"	
EDWIN RUIZ,	"	
	"	
Pro-Se, PETITIONER	"	
_____	X	

**MOTION TO MODIFY OR CORRECT AN IMPOSED TERM OF
IMPRISONMENT PURSUANT TO 18 U.S.C. §3582(c)(2)**

Comes now the pro-se Petitioner, Edwin Ruiz, moves this Honorable Court to Modify his term of Imprisonment, he states the following in support:

On September 16, 1998, a jury convicted the pro-se Petitioner on one count of 21 U.S.C. §841(a)(1) (possessing with the intent to distribute more than 50 grams of cocaine base (crack), one count of 21 U.S.C. §860 (possessing with the intent to distribute cocaine base (crack) in school zone, and one count of 21 U.S.C. §853 (forfeiture) respectively. At the sentencing hearing on March 4, 1999, the late Honorable Judge Raymond J. Broderick held that pro-se Petitioner's base offense level would be 34, with a Criminal History of II (168-210). The pro-se Petitioner was sentenced to 168 months for both drug convictions, to be served concurrently.

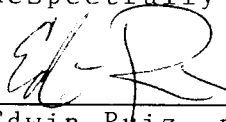
On November 1, 2007 the United States Sentencing Commission amended the Guidelines to alter the drug quantity table of U.S.S.G. §2D1.1(c) for crack cocaine offenses. The Amendment reduced the base offense level for crack cocaine offenses by two (2) levels. See, U.S.S.G. Crack Cocaine: Amendment 706 (2007). Section 1B1.10 of the Sentencing Guidelines enumerates the specific amendments which are to be applied retroactivity. Eligibility for reduction of a sentence is triggered if an amendment is listed in subsection (c) of that guideline provision.

In regards to the amendment, in Sub Judice, this Honorable Court may reduce the pro-se Petitioner's term of imprisonment based on the sentencing range that has subsequently been lowered by the Sentencing Commission. Therefore, the pro-se Petitioner respectfully submits that his sentence may be reduced from a base offense level 34, Criminal History of II, which has a sentencing range of 168-210 months, to base offense level 32, Criminal History of II, which has a sentencing range of 135-169 months.

CONCLUSION

[Wherefore], the pro-se Petitioner hopes and prays that this Honorable Court would grant this Motion and modify his sentence in accordance with 18 U.S.C. §3582(c)(2).

Respectfully Submitted,



Edwin Ruiz, pro-se

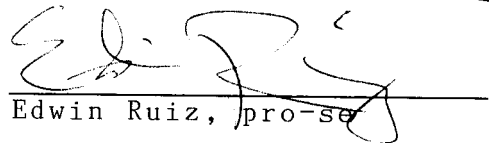
CERTIFICATE OF SERVICE

I, Edwin Ruiz, do hereby certify that a true and correct copy of the foregoing motion was mailed, by United States Postal Service to the United States Attorney's Office, Louis D. Lappen, A.U.S.A., 615 Chestnut Street, Suite 1250, Philadelphia, Pa 19106-4476, also a copy was sent to the Clerk of the Court, U.S. District Court, Eastern District of Pennsylvania, U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106-4476.

FILED

FEB 19 2008

MICHAEL E. KUNZ, Clerk
By _____
Dep. Clerk


Edwin Ruiz, pro-se

Date: ~~March 3rd~~, 2008

February 13th, 2008